

|                               |                 |              |  |
|-------------------------------|-----------------|--------------|--|
| <b>Notice of Allowability</b> | Application No. | Applicant(s) |  |
|                               | 10/691,316      | WARE ET AL.  |  |
|                               | Examiner        | Art Unit     |  |
|                               | Rodney B. White | 3636         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 7/1/04 and the Interview on 7/14/04.
2. ☒ The allowed claim(s) is/are 1, 3-4, 8-16, 20, 18-19, and 26-36, renumbered 1-26 respectively.
3. ☒ The drawings filed on 22 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>7/27/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas L. Wathen (#41,369) on July 14, 2004.

The application has been amended as follows:

#### **In the Claims:**

Claims 37-43 have been cancelled.

26. (Twice Amended) A flexible interconnection for flexibly interconnecting a seat support assembly and a back support assembly of a chair, the flexible interconnection comprising;

a pair of spaced apart front spring channels attached to the seat support assembly;

a pair of spaced apart back spring channels attached to the back support assembly; and

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a pair of spaced apart springs, each spring being engaged with one back spring channel and one front spring channel,

wherein both springs are elongated, and

wherein each spring channel includes a first, generally vertical side, a second, generally vertical side, and a generally horizontal central portion connecting the first side and the second side, so as to define a substantially U-shaped or J-shaped cross-sectional profile defining a spring channel recess that provides spring engagement,

whereby the act of sitting on the seat support assembly and leaning back against the back support assembly causes the back support assembly to tilt backwards due to flexing of each spring.

34. (Twice Amended) A chair having a left side, a right side, a front side, a back, a seat support supporting a seat of a person, and a back support supporting a back of the person, the chair comprising:

a seat support assembly, including

a left leg assembly, having a curved left leg member, the curved left leg member having a front left leg portion a back left leg portion, and a central portion connecting the front left leg portion and the back left leg portion;

a right leg assembly, having a curved right leg member, the curved right leg member having a front right leg portion, a back right leg portion, and a central portion connecting the front right leg portion and the back right leg portion;

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a U-shaped member, having a middle portion, a left arm having a left arm end, and a right arm having a right arm end, wherein the left arm is attached to the central portion of the left leg member and the right arm is attached to the central portion of the right leg member so that the middle portion acts to connect the left leg member and the right leg member, and further wherein the U-shaped member substantially defines the plane of the seat support, the seat support being supported by the U-shaped member, and wherein the middle portion of the U-shaped member is proximate to the front of the chair so that the left arm end and the right arm end are proximate to the back of the chair,

a front left spring channel, attached to the left arm of the U-shaped member proximate to the left arm end;

a front right spring channel, attached to the right arm of the U-shaped member proximate to the right arm end;

the front spring channels each being generally J-shaped or U-shaped with a pair of spaced apart, generally vertical sides interconnected by a generally horizontal central portion:

a back support assembly, including

a back frame formed from a single curved back frame member, the curved back member having a back left frame end and a back right frame end,

a back left spring channel, attached to back frame member proximate to the back left frame end,

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a back right spring channel, attached to the back frame member proximate to the back right frame end;

a left spring, connected to the front left spring channel and the back left spring channel; and

a right spring, connected to the front right spring channel and the back right spring channel;

the rear spring channels each being generally J-shaped or U-shaped with a pair of spaced apart, generally vertical sides interconnected by a generally horizontal central portion;

wherein the left spring and right spring act to connect the back frame member to the seat support assembly, the left spring and the right spring allowing the back frame member to flex in relation to the seat support assembly.

The following is an examiner's statement of reasons for allowance: Prior art does not teach the spring channels having a J-shaped or U-shaped cross sectional profile with a generally upward directed opening. Newly cited reference Barile, Sr. (U.S. Patent No. 6,406,096) claims a "holder receptor" as being "U-shaped in cross section", but most importantly the receptor is not defined as having a "generally upward directed opening" as defined in claims 1 and 14 or specifically having "a first generally vertical side, a second generally vertical side, and a generally horizontal central portion connecting the first side and the second side " as defined in claim 26 and similarly in

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claim 34, as claims 26 and 34 have been amended to include to distinguish the spring channels over those of the Barile patent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,

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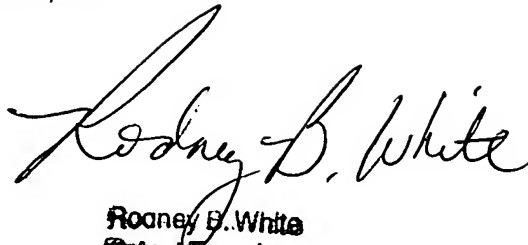
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Patent examiner

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July 27, 2004

A handwritten signature in cursive script that reads "Rodney B. White". The signature is written in black ink and is positioned above a printed name and title.

Rodney B. White  
Patent Examiner